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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/889,975	07/10/97	JANAY	G 30/01

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TM02/0302

EXAMINER
LUU, L
ART UNIT
PAPER NUMBER
2152
DATE MAILED: 03/02/01

 This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 01/29/01
- ☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- ☐ Claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-10 is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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1. Claims 1-10 are presented for examination.

2. The following is a quotation of 35 U.S.C. § 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Bonnaure et al (Bonnaure)** patent no. **5,862,339**, in view of **Butts et al (Butts)** patent no. **5,754,830**.

4. As to claims 1 and 7, Bonnaure teaches the invention substantially as claimed, including a method of communicating between a host computer and a remote terminal over a data network (figure 17) comprising the steps of:

establishing a first communication session between said terminal and a communication server via a first communication channel (col. 17 line 51 - col. 18 line 12);

downloading, from said server to said terminal, algorithm for communicating between said terminal and said host (col. 17 line 51 - col. 18 line 12); and

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utilizing said algorithm to implement a second communications session between said terminal and said host via a second communications channel independent of said server (col. 17 line 51 - col. 18 line 12).

However, Bonnaure does not explicitly teach said downloaded algorithm is communications software.

Butts teaches a client system downloads an applet code from a web/emulator server (col. 3 lines 53-65).

It would have been obvious to one of ordinary skill in the Data Processing Art at the time of the invention to combine the teachings of Bonnaure and Butts to download communications software such as applet code from Butts from a web/emulator server because it would allow client system to access to legacy host system data without the need for user programming.

5. As to claim 2, Bonnaure and Butts teaches specifying, during said first communications session, which communication software is desired to be downloaded (Bonnaure, col. 17 line 51 - col. 18 line 12; Butts, col. 4 lines 15-31).

6. As to claim 3, Bonnaure and Butts teaches the invention substantially as discussed above; In addition, Butts teaches receiving, during said second communications session, information from said host at said terminal; decoding the information at said terminal; sending the decoded information to said server over said network; in response to said

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step of sending, transmitting from said server to said terminal, presentation information specifying how information received from said host at said terminal should be presented to a user of said terminal (col. 3 line 66 - col. 4 line 31, col. 5 line 65 - col. 6 line 10).

However, Bonnaure and Butts do not explicitly teach screen identification information.

Official Notice is taken that screen ID information is well-known in Data Processing Art.

It would have been obvious to include screen ID information from said host at said terminal in Bonnaure and Butts's teachings because it would allow screen information to be processed in a manner easily definable by a user.

7. As to claims 4 and 6, Butts teaches identifying, at said terminal, cursor position and screen information, said information being based upon which screen is being displayed and a position on that screen of a cursor; assembling, at said terminal, a data structure indicative of said cursor position and screen information; transmitting said data structure to said server; and conveying, in response to said step of transmitting, context sensitive display information from said server to said terminal wherein said context sensitive display information is a list of available choices for a field (col. 5 line 65 - col. 6 line 10).

8. As to claim 5, Bonnaure and Butts teaches the invention substantially as claimed as discussed above. In addition, Butts teaches said terminal comprises personal computer

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or computer workstation (col. 3 lines 53-65), but Bonnaure and Butts do not explicitly teach said terminal is network computer (NC) terminal. Official Notice is taken that NC terminal is well known.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to use NC terminal in Bonnaure and Butts's invention because it would allow many different types of computers including the NC terminal to connect to host systems using applet software downloads from said server.

9. As to claim 7-10, they have similar limitations as claims 1-6; therefore, they are rejected under the same rationale.

10. Applicant's arguments with respect to claims 1-10 have been considered but are deemed to be moot in view of the new grounds of rejection.

11. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY

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ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank J. Asta, can be reached at (703) 305-3817.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark
"EXPEDITED PROCEDURE")

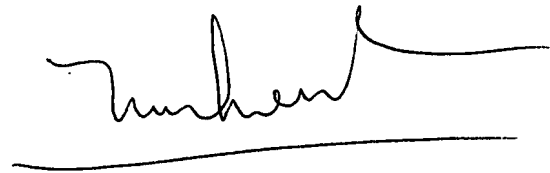
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Or:

(703) 308-5359 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER

February 28, 2001